IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2553 OF 2007

Wasim Riyaz Khan ..Applicant
v/s.
The State of Maharashtra and another .. Respondents

Mr. K.S. Patil for the applicant.
Mr. A.S. Shitole, APP for the State.

CORAM : B.H. MARLAPALLE, J.
DATED : 3RD SEPTEMBER, 2007

P.C.

Heard Mr. K.S. Patil, the learned counsel for the applicant.

2. The present respondent No.2 has filed Regular Criminal Case No.134 of 2002 against the present applicant and two others for the offences punishable under sections 493, 494 and 497 read with section 34 of I.P.C. It is mainly contended by the respondent No.2 in the said complaint that he was married to accused No.1 Nafeesa Tanveer Ahmed Khan and though she was not divorced from him, the accused No.2 married with her with the help of accused No.1 and therefore, he filed complaint against all the accused. It has come on record that petition No.976 of 1996 was filed by the original complainant Tanveer Ahmed Adam Khan and depositions of accused No.1 were recorded therein. From the said depositions, it was realised that she was married with accused No.2 and the marriage was arranged by one Maulana Rasheed. The divorce petition bearing P.B.No. 31/2001 preferred by accused No.1 against the

complainant was dismissed. In these circumstances, the present applicant cannot be discharged from the pending case and certainly, a triable case has been made against him by the original complainant.

3. Hence, the application is rejected summarily. These observations are prima facie in nature and trial of the case to proceed on the basis of the evidence that may be adduced by the parties.

(B.H. MARLAPALLE, J.)